

RICHARD C. JOHNSON (SBN 40881)  
SHAAMINI A. BABU (SBN 230704)  
JULIE A. OSTIL (SBN 215202)  
SALTZMAN & JOHNSON LAW CORPORATION  
44 Montgomery Street, Suite 2110  
San Francisco, CA 94104  
(415) 882-7900  
(415) 882-9287 – Facsimile  
djohnson@sjlawcorp.com  
sbabu@sjlawcorp.com  
jostil@sjlawcorp.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

PENSION TRUST FUND FOR OPERATING  
ENGINEERS; F.G. CROSTHWAITE and  
RUSSELL E. BURNS, as Trustees,

Plaintiffs,

vs.

TRACTOR EQUIPMENT SALES, INC., a  
California corporation, J.L. WHITE  
INTERNATIONAL, INC., a California  
corporation, TES ASSET MANAGEMENT  
AND CONSULTING GROUP, a California  
joint venture, and DOES 1-20

Defendants.

Case No.: C 12-01056 JSW

**REQUEST TO CONTINUE CASE  
MANAGEMENT CONFERENCE AND  
ALL RELATED DEADLINES;  
[PROPOSED] ORDER THEREON**

Date: August 24, 2012

Time: 1:30 p.m.

Courtroom 11, 19th Floor

Judge: The Honorable Jeffrey S. White

Plaintiffs herein respectfully request that the Case Management Conference currently on calendar for August 24, 2012, 1:30 p.m., and all related deadlines, including ADR deadlines, be continued for 90 days, to coincide with plaintiffs' Motion for Default as to defendant TES Asset Management and Consulting Group, a California joint venture and to coincide with plaintiffs amending the complaint to name new defendants.

1. Good Cause exists for the request: This action arises under the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended by the Multiemployer Pension Plan Amendments Act of 1980 (29 U.S.C §§1001-1461 (1982)), to recover withdrawal liability

1 amounts owed by Tractor Equipment Sales, Inc. and its controlled group members to plaintiffs  
2 Pension Trust Fund for Operating Engineers, F.G. Crosthwaite, and Russell E. Burns  
3 (“Plaintiffs”).

4       2.       On March 1, 2012, plaintiffs filed a Complaint in this matter.

5       3.       Service was effectuated on defendants Tractor Equipment Sales, Inc., a California  
6 corporation, J.L. White International, Inc., a California corporation, and TES Asset Management  
7 and Consulting Group, a California joint venture, by personal service on Jim White, authorized  
8 agent and/or officer for each defendant on April 9, 2012. A proof of service was filed on April 19,  
9 2012. (Dkt. # 10)

10       4.       Defendant Tractor Equipment Sales, a California corporation, filed a Chapter 7  
11 Bankruptcy in the U.S. Bankruptcy Court, Northern District of California, on May 14, 2012. On  
12 June 7, 2012, plaintiffs filed a Notice of Automatic Stay Under 11 U.S.C. Section 362 as to  
13 defendant Tractor Equipment Sales, Inc. only. (Dkt. #15) Further, plaintiffs’ counsel made an  
14 appearance at the Meeting of Creditors wherein plaintiffs’ counsel conferred with counsel for  
15 defendant Tractor Equipment Sales, a California corporation and the Bankruptcy Trustee.  
16 Plaintiffs’ counsel anticipates conducting a Federal Rules of Bankruptcy Procedure §2004 Exam  
17 of principal Steven Van Tuyl to determine whether or not plaintiffs will be adding defendants to  
18 this instant action.

19       5.       On May 29, 2012, plaintiffs requested that the Case Management Conference  
20 scheduled on June 22, 2012, and all of its associated deadlines, be continued for 60 days in  
21 anticipation of plaintiffs filing a Request for Entry of Default against Defendant and/or amending  
22 the complaint to add new defendants. (Dkt. 12)

23       6.       On May 30, 2012, the Motion to Continue Case Management was granted by the  
24 Court and the Case Management Conference was continued to August 24, 2012 at 1:30 pm. (Dkt.  
25 #13)

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7           9. As of the date of the filing of this request, defendant TES Asset Management and  
8 Consulting Group has failed to file a Response to the Complaint and the time to do so has expired.

11            11.       Therefore, plaintiffs respectfully request that the Case Management Conference  
12 currently scheduled for August 24, 2012, and all of its associated deadlines, be continued for 90  
13 days in anticipation of Plaintiffs conducting discovery in the bankruptcy proceeding and/or  
14 amending the complaint to add new defendants and to coincide with the Motion for Default  
15 Judgment of TES Asset Management and Consulting Group.

16 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above  
17 entitled action, and that the foregoing is true of my own knowledge.

**18** Executed this 30th day of July, 2012, at San Francisco, California.

19 SALTZMAN & JOHNSON LAW CORPORATION

By: /S/  
Julie A. Ostil  
Attorneys for Plaintiffs

**ORDER**

IT IS SO ORDERED.

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby continued to December 7, 2012 at 1:30 p.m. All related deadlines, including ADR deadlines, are extended accordingly.

Date: August 1, 2012

  
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THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE